

REMARKS

This application has been reviewed in light of the Office Action dated July 6, 2006. Newly added Claims 44-73 are presented for examination. Claims 1, 3-12, 14-27, 29-35, 38, 40 and 43 have been canceled, without prejudice or disclaimer of subject matter. Claims 44, 49, 50, 52, 54, 58 and 62-73 are in independent form. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1, 7-12 and 18-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,687,742 (*Iwazaki*). In addition, Claims 3-6 and 14-17 were rejected under 35 U.S.C. § 103(a) as being obvious from *Iwazaki* in view of U.S. Patent 6,327,046 (*Miyamoto*); Claims 27, 29-32, 34, 35, 38, 40 and 43, as being obvious from U.S. Patent 6,396,848 (*Ohta*) in view of U.S. Patent 6,650,440 (*Wing*); and Claim 33, as being obvious from *Ohta* in view of *Wing* and further in view of U.S. Patent 6,301,016 (*Matsueda*).

Cancellation of the rejected claims has rendered the rejections thereof moot. For the reasons set out below, Applicants submit that the newly added claims are allowable over the mentioned documents, and over the remainder of the prior art of record.

The aspects of the present invention that are set forth in the respective independent claims, relate to providing the sender of an E-mail with detailed information about the success of an E-mail transmission. For example, if a mail includes an attached image file, the sender can obtain confirmation not only that the mail itself was received, but also that the attached file was received successfully,

For example, independent Claim 44 is directed to an image communicating apparatus which is connected to a network capable of performing E-mail communication,

which comprises a transmitting unit, adapted to send E-mail data accompanied by an image file, and a receiving unit, adapted to receive E-mail data. A requesting unit selectively adds information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit. A communication managing unit manages transmission management information of the sent E-mail data, and a judgment unit makes a judgment as to whether or not transmission of the sent E-mail data to which the information for requesting the message disposition notification was added succeeded, on the basis of the message disposition notification included in the E-mail data received by the receiving unit. A notifying unit sends a notification to a user based on the transmission management information. The communication managing unit updates the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judgment result provided by the judgment unit, and the notifying unit notifies the user of the image communicating apparatus about the success or failure of the transmission of the sent E-mail data, on the basis of the updated transmission management information, so that the user can confirm whether or not the transmission succeeded without actually reading the message disposition information.

Among other notable features of an apparatus according to Claim 44 is that the user does not have to read the message disposition notification (MDN) itself, but simply receives information showing success/failure of transmission, as judged by the apparatus based on the MDN.

Iwazaki relates to a system in which a processing result on a reception side is recorded in a transmission history, the processing result being described in a response message (which for purposes of this discussion will be assumed to correspond to MDN).

Even if *Iwazaki* records the processing result in a transmission history, however, that is not believed to teach or suggest sending a notification to a user on a reception side.

In addition, it should be noted that the MDN (i.e., the processing result on the reception side) includes various kinds of information data. Accordingly, if these data are sent to the user on the transmission side just as is, it is still difficult for the relevant user to know whether or not the transmission of the E-mail requesting the relevant MDN succeeded.

In an apparatus constructed according to independent Claim 44, the MDN (i.e., the processing result on the reception side) is not simply recorded as is. Rather, the success/failure of transmission is judged based on the MDN, and, based on the judged result, the user on the transmission side is provided with a notification of the success or failure of transmission. Thus, the user receives a notification of the success or failure of transmission in a more comprehensible form than if he or she had to review the MDN itself. Nothing has been found in *Iwazaki* that would teach or suggest any structure in which a notification, based on MDN (or other information) is sent to a user to indicate the success or failure of a transmission, as in Claim 44. In particular, neither the judgment unit nor the notifying unit of Claim 44 is seen to be suggested by anything in that patent, since nothing in that patent appears to perform a judgment as to whether a transmission has succeeded or failed based on MDN, and still less would anything in that patent suggest any means for providing a user with a notification about such success or failure, based on such a judgment.

It is noted that the Office Action asserts that *Iwazaki* does judge whether or not the sending of E-mail data has succeeded, in that the receiver describes the processing

result in an MDN message and transmits that message to the sender, which records the processing result in the returned MDN message in the transmission history information (Fig. 10; col. 13, lines 45-55). In this regard, Applicants respectfully point out that Claim 44 recites “a judgment unit, *adapted for making a judgment* [emphasis added]”^{1/}. In the *Iwazaki* system, the MDN information may be information from which a user can ultimately tell whether a transmission has succeeded or not, but there is no suggestion in that patent of the apparatus itself making a judgment about that question. Thus, *Iwazaki* is not believed to teach or suggest the judgment unit. Since no such judgment is performed by the *Iwazaki* apparatus, there is also in that patent no suggestion of providing a user with a notification that is based on the result of such a judgment, and hence no suggestion of the recited notifying unit of Claim 44.

For these reasons, it is believed that Claim 44 is allowable over *Iwazaki*.

Independent Claim 49 is similar to Claim 44 in respect of the features discussed above, and is believed to be allowable over *Iwazaki* for the reasons presented above with regard to Claim 44.

Independent Claims 62, 63, 68 and 69 are each respectively a method or a storage-medium claim corresponding to apparatus Claim 44 or 49, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 44.

Independent Claim 50 is directed to an image communicating apparatus which is connected to a network capable of performing E-mail communication, and which

^{1/} The similar previous claim language, reciting “a judgment unit, adapted to judge” in Claim 1, also calls for the apparatus of which that unit is a part, to make the recited judgment. Thus, the new language is merely a clarification of what Applicants were previously claiming.

comprises an E-mail receiving unit, adapted to receive E-mail, and a detecting unit, which detects control information in a received E-mail requesting a reply E-mail. An output unit visually outputs the received E-mail, but before the contents of that E-mail are visually outputted, a notifying unit notifies a user of the image communicating apparatus that the E-mail having the control information was received, based on the detection by the detecting unit.

Thus, Claim 50 is directed to the structure of an image communicating apparatus on the receiving side, and represents a clarification of previous Claim 7. Among other notable features of an apparatus constructed according to Claim 50 is that, before a notifying unit visually outputs the contents of the received E-mail are visually outputted, a notifying unit visually outputs a notification to the user about the control information (in the case of an E-mail where the detection unit has detected such information).

By virtue of this aspect of the present invention, when the image communication apparatus has received an E-mail to which control information requesting a reply E-mail has been added (e.g., information for requesting MDN), it is possible, before visually outputting the E-mail itself, to notify the user of the image communicating apparatus that an E-mail having such request has been received.

In the *Iwazaki* apparatus, if the MDN is detected from the received E-mail, an MDN message is returned to a sender. This, however, is merely the standard notification to the apparatus located on the transmission side, and not to the user of the apparatus which received the E-mail, as with the apparatus of Claim 50. Moreover, the *Iwazaki* apparatus does not have any structure that would enable it to perform such a

notification before visually outputting a received E-mail, nor has any suggestion been found in that patent of any such notification, much less of any way to make it.

Thus, it is believed that independent Claim 50 is allowable over *Iwazaki*.

Independent Claims 64 and 70 are, respectively, a method and a storage-medium claim corresponding to apparatus Claim 50, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 50.

Independent Claim 52 is directed to an image communicating apparatus which is connected to a network capable of performing E-mail communication, which comprises an E-mail receiving unit, adapted to receive E-mail accompanied by an image file, and a detecting unit, adapted to detect control information which requests reply E-mail. An output unit visually outputs contents of an image file attached to a received E-mail, and adds information indicative of the detection of the control information to a part of the image, and visually outputs the acquired image to the contents of the image file attached to the E-mail.

Thus, Claim 52 also is directed to the structure of the image communicating apparatus on the receiving side, and more specifically, substantially corresponds to that which was recited in canceled independent Claim 7, with the further clarification that the output unit adds information indicative of detection of control information to a part of an image, and visually outputs the acquired image to the contents of an image file attached to an E-mail that was detected as having such control information.

According to this aspect of the present invention, a user of the image communicating apparatus on the reception side can easily perceive the presence of such control information, simply by seeing the visual output of the image file attached to the E-

mail, without having to refer to the control information ordinarily added to the header of the E-mail.

As discussed above with regard to independent Claim 50, *Iwazaki* is not believed to teach or suggest notifying the user of the reception-side apparatus that an E-mail to which control information (i.e., the information for requesting the MDN) has been added has been received, nor any structure for providing such notification. Much less is anything in that patent believed to teach or suggest adding information showing the detection of such control information to part of an image when visually outputting the contents of the image file received with the E-mail.

For at least these reasons, Claim 52 is believed to be allowable over *Iwazaki*.

Independent Claims 65 and 71 are, respectively, a method and a storage-medium claim corresponding to apparatus Claim 52, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 52.

Independent Claim 54 is directed to an image communicating apparatus for sending and receiving image information through a communication network, which comprises an E-mail unit, adapted to send and receive E-mail via an E-mail server connected to the communication network, a memory unit, adapted to store communication management information of such E-mail, and a communication management information forming unit, adapted to, each time E-mail is sent by the E-mail unit, form communication management information of the sent E-mail and store the communication management information into the memory unit. A judgment unit makes a judgment as to whether or not the sending of the E-mail succeeded, based on a delivery status notification for the sent

E-mail from the E-mail server. An updating unit updates information showing a transmission result of the sent E-mail included in the communication management information of the sent E-mail, based on a judgment result provided by the judgment unit, and a communication management report output unit outputs a communication management report indicative of the communication management information stored in the memory unit, so that a user of the image communicating apparatus can confirm whether or not transmission of the sent E-mail succeeded, without reading the delivery status notification.

Claim 54 substantially corresponds to canceled independent Claim 27, while further clarifying that the user of an image communicating apparatus can confirm whether or not transmission of a sent E-mail has succeeded, without reading a delivery status notification.

In the *Ohta* system, provision is made for outputting the sending result (“OK” or “NG”), as shown in Fig. 7, but does not provide any other way that the result (“OK” or “NG”) of the sending can be confirmed.

Wing shows receiving DSNs such as “Relay DSN”, “Delivery Success”, “Delivery Failure”, “Delayed Delivery” and the like. If *Ohta* and *Wing* are combined as proposed in the Office Action (assuming *arguendo* that such combination would even be a permissible one), the most that would appear to result from such combination would be that the four DSNs such as “Relay DSN”, “Delivery Success”, “Delivery Failure” and “Delayed Delivery” of the *Wing* system are described in the section “RESULT” shown in Fig. 7 of *Ohta*. Even if this is done, and “Relay DSN”, “Delayed Delivery” and the like

are described in the section “RESULT”, it is still very difficult for the user to judge whether or not the sent E-mail has been correctly sent.

On the other hand, according to the construction recited in independent Claim 54, a judgment is made by the judgment unit as to whether or not the sending of the sent E-mail succeeded, the updating unit performs an update based on the result of the judgment, and a communication management report is outputted that conveys the updated information to the user, without the user having to read the delivery status notification. Accordingly, the user can easily know whether or not the sent E-mail was correctly sent.

For these reasons, it is believed that independent Claim 54 is allowable over any permissible combination of *Ohta* and *Wing* (if any).

Independent Claims 66 and 72 are, respectively, a method and a storage-medium claim corresponding to apparatus Claim 54, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 54.

Independent Claim 58 is directed to an image communicating apparatus for sending and receiving image information through a communication network, comprising an E-mail unit, adapted to send and receive an E-mail via an E-mail server connected to the communication network. An analyzing unit, when a delivery status notification returned from the E-mail server in response to the E-mail transmitted to a recipient by the E-mail unit is received, analyzes contents of the received delivery status notification, and decides whether or not the sent E-mail was received by the recipient. A notifying unit notifies a user of the image communicating apparatus that the sent E-mail was not received, in response to an analysis result provided by the analyzing unit indicating that the sent E-mail was not received.

Thus, Claim 58 substantially correspond to canceled independent Claim 32, while further clarifying that an analyzing unit decides whether or not a sent E-mail was received by a recipient, and that a notifying unit notifies the user that the sent E-mail was not received by the recipient, in response to an analysis result to that effect.

Even if *Ohta* outputs the communication management database as shown in Fig. 7, the user himself or herself has to refer to the relevant database. Moreover, in *Ohta*, the user is not provided with any notification of the non-arrival of the sent E-mail, based on analysis of the received DSN. Even if *Ohta* is combined with *Wing* as proposed in the Office Action, and even assuming such combination would be a permissible one, the result would not meet the terms of Claim 58, in that such combination would still lack both the analyzing unit and the notifying unit recited in that claim.

Accordingly, Claim 58 is believed to be allowable over any permissible combination (if any) of those two patents.

Independent Claims 67 and 73 are, respectively, a method and a storage-medium claim corresponding to apparatus Claim 58, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 58.

A review of the other art of record, including *Miyamoto* and *Matsueda*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

An Information Disclosure Statement is filed herewith.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P. Diana/

Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 590866v1